

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JASON SWEITZER, et al.,
Plaintiffs,**

v.

**OXMASTER, INC., et al.,
Defendants.**

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CIVIL ACTION

NO. 09-5606

ORDER

AND NOW, this 22nd day of December 2010, upon consideration of the motions *in limine* filed by Plaintiffs Jason Sweitzer and Kristin Sweitzer and the parties' responses and supplemental filings thereto, it is hereby ORDERED as follows:

1. Plaintiffs' Motion *in Limine* to Preclude Evidence of Negligence Concepts at Trial (Docket No. 25) is DENIED without prejudice in part and is MOOT without prejudice in part. The Motion is denied to the extent that the Sweitzers seek to preclude evidence of Mr. Sweitzer's conduct on the basis of causation and assumption of the risk. The Motion is moot to the extent the Sweitzers seek to preclude evidence of the employer's alleged improper training or instruction of Mr. Sweitzer on the use and operation of the paste mixer.
2. Plaintiffs' Motion *in Limine* to Preclude Any Evidence Regarding Plaintiff Jason Sweitzer's Alleged Failure to Lockout and Tagout (Docket No. 24) is GRANTED.
3. Plaintiffs' Motion *in Limine* to Preclude Any Evidence of Compliance with Industry Standards and OSHA Government Regulations (Docket No. 26) is GRANTED to the extent that the Sweitzers seek to preclude evidence concerning the paste mixer's alleged compliance with industry standards and Occupational

Safety and Health Administration regulations for the purpose of showing the alleged reasonableness of the Defendants' design choice or alleged absence of a product defect.

BY THE COURT:

S/Gene E.K. Pratter

GENE E.K. PRATTER
United States District Judge